REMARKS

INTRODUCTION:

In accordance with the foregoing, claims 3, 22-24 and 26 have been canceled without prejudice or disclaimer, and claims 1, 12, 18, 28 and 29 have been amended. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-2, 5-10, 12, 14-20, and 28-29 are pending and under consideration. Reconsideration is respectfully requested.

CORRECTION OF TYPOGRAPHICAL ERROR IN CLAIM 18:

Claim 18 has been amended to correct a typographical error. That is, "a tracking servo signal form the received reflected light" has been amended to recite "a tracking servo signal ~~form~~ from the received reflected light." No new matter has been added.

CANCELLATION OF WITHDRAWN CLAIMS:

As requested by the Examiner on 2, paragraph 3, withdrawn claims 22-24 and 26 have been cancelled.

REJECTION UNDER 35 U.S.C. §102:

In the Office Action, at pages 2-5, numbered paragraphs 4-16, claims 1-3,5-10, 12,14-20 and 28-29 were rejected under 35 U.S.C. §102(e) as being anticipated by Yanagawa et al. (USPN 6,346,695; hereafter, Yanagawa). This rejection is traversed and reconsideration is requested.

Independent claim 1 has been amended to include the features of claim 3. Claim 3 has been cancelled without prejudice or disclaimer. Independent claims 12, 28 and 29 have been amended in similar fashion.

Although the Examiner submits, in paragraph 6, page 3 of the Office Action, that the elements of claim 3 are disclosed in Yanagawa, it is respectfully submitted that col. col. 7, line 44 through col. 8, line 9 of Yanagawa, recited below for the convenience of the Examiner, recites that Yanagawa utilizes an aperture limiting member to pass light through a collimator lens 21 that splits light into three areas, a first area A of elliptic shape at the center, a second area B and a hatched third area C, wherein the light beam of the main area X passes through the aperture 35a of the aperture limiting member 35 and enters the collimating lens 21, and the first area A impinges on the beam splitter 25 to the objective lens 29, and converges on the recording

surface of the optical disc, the light beam of the sub-area Y passes through aperture 35b of the aperture limiting member 35 and travels to the front monitor detector 24, and the light beam in the third area C is interrupted:

> FIG. 3A schematically shows positional relationship of the collimator lens 21 and the beam splitter 25 viewed from the direction of the semiconductor laser 21, and FIG. 3B shows the shape of an example of the aperture limiting member 35. The light beam from the semiconductor laser 20 passes through the aperture limiting member 35 shown in FIG. 3B and is irradiated on the collimator lens 21. As shown in FIG. 3A, the collimator lens 21 can be classified into three areas, i.e., a first area A of elliptic shape at the center, a second area B, and a hatched third area C. In the first area A, out of the light beam emitted from the semiconductor laser 20, the light beam of the main area X described above and passed through the aperture 35a of the aperture limiting member 35 enters the collimator lens 21. The light beam of the main area X passed through the aperture limiting member 35 and the first area A of the collimator lens 21 impinges on the beam splitter 25, travels to the objective lens 29 and converges on the recording surface of the optical disc 30 to form a beam spot. Through the second area B, the light beam of the sub-area Y passes. The sub-area Y is located outside of the main area X as shown in FIG. 2. Out of the light beam emitted from the semiconductor laser 21, the light beam of the sub-area Y passes through the aperture 35b of the aperture limiting member 35 and the second area B, and travels to the front monitor detector 24. The third area C is an area where the light beam emitted from the semiconductor laser 20 is interrupted, and hence no light beam is irradiated. As shown in FIG. 3B, the aperture limiting member 35 is shaped to interrupt the light beam at the third area C other than the first area A and the second area B so as to prevent the unnecessary light beam from entering the objective lens 29 and the front monitor detector 24. (emphasis added)

and Yanagawa, col. 6, lines 3-21, recited below for the convenience of the Examiner, recites that after the light beam passes through the collimator lens 21, the light beam is passes through a 1/2 wavelength plate 22 which rotates the vibration direction of the light beam by 90 degrees and then the light is guided to the grating 23, which splits the remaining portion of the light beam into two portions, one portion which is then sent to a beam splitter and another portion that is guided to a front monitor detector:

> Next, the operation of the optical pickup device of the first embodiment will be described below. The light beam emitted from the semiconductor laser 20, serving as a light source, is masked by a lens holder 34 and an aperture limiting member 35, and only necessary portion of the light beam enters the collimator lens 21. The lens holder 34 and the aperture limiting member 35 are provided to mask the stray light. The light beam passed through the non-masked area is supplied to the 1/2 wavelength plate 22, which rotates the vibration direction of the light beam by 90 degrees, and then the light is guided to the grating 23. A main part of the light beam passed through the grating 23 is guided to the beam splitter 25 and remaining part thereof is guided to the front monitor detector 24. The aperture limiting member 35 may be made of plastic material and the like. The aperture limiting member 35 may be formed as a single unit integrated with the lens holder 34, and in that case it may be made of the same material as that of the lens holder 34, for example, brass. (emphasis added)

In contrast, in amended independent claims 1, 12, 28 and 29 of the present invention, a grating separates a portion of the light from the light source, wherein the grating has an effective

aperture through which the portion of the light which is separated passes, wherein any portion of the light traveling outside of the effective aperture is ineffective light, and wherein the reflecting member is disposed on an optical path of at least a portion of the ineffective light and reflects the least a portion of the ineffective light.

Thus, Yanagawa emits the light beam from the laser, stray light is masked by a lens holder and an aperture limiting member, and only a necessary portion of the light beam enters the collimator lens, is supplied to the 1/2 wavelength plate, which rotates the vibration direction of the light beam by 90 degrees, and then is guided to the grating, where the light is split into two portions, a first portion being directed to a beam splitter and the second portion being directed to a monitor detector. In contrast, in amended independent claims 1, 12 28 and 29 of the present invention, a portion of the light passes through the grating (which is not passed through a collimator lens and rotated 90 degrees by a 1/2 wavelength plate first, as is done by Yanagawa) and another portion of the light (which is also not passed through a collimator lens and rotated 90 degrees by a 1/2 wavelength plate, as is done by Yanagawa), i.e., the ineffective light, is reflected by a reflecting member to a monitoring photodetector.

Hence, it is respectfully submitted that amended independent claims 1, 12, 28 and 29 of the present invention are not taught or suggested by Yanagawa. Thus, it is submitted that amended independent claims 1, 12, 28 and 29 of the present invention are not anticipated under 35 U.S.C. §102(e) by Yanagawa et al. (USPN 6,346,695). Since claims 2, 5-10, and 14-20 depend from amended independent claims 1 and 12, respectively, claims 2, 5-10, and 14-20 are not anticipated under 35 U.S.C. §102(e) by Yanagawa et al. (USPN 6,346,695) for at least the reasons amended independent claims 1 and 12 are not anticipated under 35 U.S.C. §102(e) by Yanagawa et al. (USPN 6,346,695).

REJECTION UNDER 35 U.S.C. §103:

In the Office Action, at pages 5-7, numbered paragraph 17-18, claim 9 was rejected under 35 U.S.C. §103(a) as being unpatentable over Yanagawa as applied to claims 1 and 12 above. The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

As noted above, amended independent claims 1 and 12 are submitted to have a different structure and to operate in a different fashion when compared with the invention of Yanagawa.

Hence, it is respectfully submitted that amended independent claim 1 of the present invention is patentable under 35 U.S.C. §103(a) over Yanagawa et al. (USPN 6,346,695) as applied to claims 1 and 12 above. Since claim 9 depends from amended independent claim 1, claim 9 is patentable under 35 U.S.C. §103(a) over Yanagawa et al. (USPN 6,346,695) for at

least the reasons amended independent claim 1 is patentable under 35 U.S.C. §103(a) over Yanagawa et al. (USPN 6,346,695).

CONCLUSION:

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited and possibly concluded by the Examiner contacting the undersigned attorney for a telephone interview to discuss any such remaining issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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